



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, CO 81641



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In Reply Refer To:
4100 (LLCON05000)

April 16, 2015

The Vannoy Ranch, LLC
C/O Roy Lee and Marily Vannoy
6083 State Highway 43E
Henderson, Texas 75672

NOTICE OF PROPOSED DECISION

Dear Mr. and Mrs. Vannoy:

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed your application for proposed range improvement projects on the Goff Camp Gulch Allotment. Field observations and other information was evaluated and reviewed for this proposed action. Information provided by you through consultation was also considered in development of the proposed water system projects.

BACKGROUND

New owners of what was previously known as the Rawlinson Ranch have only owned the base property and held the grazing lease for one year (2014). The Vannoy Ranch, LLC has asked for assistance with several water development projects from the Natural Resource Conservation Service (NRCS), the Bureau of Land Management's (BLM) White River Field Office (WRFO), and Colorado Parks and Wildlife (CPW) via their Habitat Partnership Program. The previous long time property owners had become elderly and the maintenance of previous range improvement projects in the Goff Camp Gulch Allotment (#06616) ultimately became neglected.

To comply with the National Environmental Policy Act, the WRFO conducted an environmental assessment (EA) #DOI-BLM-CO-N05-2015-0029-EA for the issuance of the proposed range improvement projects to determine whether or not significant impacts would result from implementation of the Proposed Action. The EA analyzed two alternatives: the Proposed Action and the No Action Alternative. In general, the Proposed Action considered the reconstruction of

all the old water system projects plus the inclusion of one additional water pipeline to new tanks to aid in livestock distribution throughout the allotment (see Section 3.1.1 of the EA for a detailed description of this alternative). Under the No Action Alternative, the BLM would not approve the reconstruction of the proposed water system projects within the allotment.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-N05-2015-0029-EA and it was found to have no significant impacts, thus an EIS is not required.

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to allow the Proposed Action, as described in DOI-BLM-CO-N05-2015-0029-EA for authorization of the reconstruction of the proposed water systems as outlined in the EA on the Goff Camp Gulch Allotment with the first phase of construction to begin either the end of April or the beginning of May 2015.

The proposed water developments projects occur within the Goff Camp Gulch drainage as well as the unnamed drainage to the east and include cleaning out ponds, redeveloping springs, and replacing water lines and tanks (Appendix A: Maps 1-3). The proposed projects are planned to be constructed between the last week of April to mid-May, otherwise, the construction will not be permitted to begin until after July 15, 2015 due to migratory birds and woodland raptors nesting.

Ponds

There are 4 ponds on public land within the allotment that will be cleaned out and re-lined. Cleaning out ponds involves using a bulldozer and remove silt from the ponds. Material removed from the ponds will be used to reinforce the dam. After the ponds are cleaned out, they will be lined with Hydrosourc[®] PAM (Sodium Acrylate Acrylamide Copolymer) to enable them to hold water.

Springs

Two existing spring developments would be reconstructed and the buck and pole fencing around both spring sources would be replaced.

For Spring #1 (Stone Spring), approximately 100 feet of the channel immediately below the spring would also be fenced with a buck and pole fence design. An existing buried water line would be replaced to the existing water tank that would also be upgraded with a large rubber tire tank (refer to Map 1: Southern Portion of the Allotment Project Locations).

For Spring #2 (Strawberry Spring #3), an existing water line would be extended south for 200 feet to a tank where a new rubber tire tank would be placed. The overflow from this tank would be placed into a new buried water pipeline on the uphill side of the existing two track road for approximately $\frac{3}{4}$ mile to the next tank. One or two new rubber tire stock tanks may be placed at this location. The overflow from these new rubber tanks would then flow into the existing adjacent pond (refer to Map 2: Northern Portion of the Allotment Project Locations).

Minor road repairs, including water bars to move water off of the road way, would be needed prior to installation of the new water pipeline in order to allow equipment and vehicles into the area.

All work on public lands is expected to be completed in approximately 7 days of the start date.

Historic Well

The historic well that has been non-functional for decades, now recorded as cultural site #5RB8554, would be plugged and left in place.

Design Features

1. The grazing permittee would sign a Range Improvement Maintenance Agreement with the BLM to maintain these reconstructed water systems in a functioning manner.
2. The road base would be sloped to the outside edge for surface drainage.
3. Cuts, fills, and excavations shall be dressed and blended with surroundings. Water pipelines would be buried where possible. Vegetation would be established on disturbed areas.
4. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless otherwise approve by the Authorized Officer.
5. Water developments (springs, reservoirs, catchments, wells, pipeline, and water troughs) would conform to BLM Manual H-1741-2.
6. Work in the springs and stream beds would be done using hand tools where possible.
7. All equipment used for construction shall be cleaned before it comes to WRFO and when it leaves WRFO to minimize the potential spread of noxious and/or invasive weed species.
8. Equipment shall be cleaned when moving between project areas if noxious weeds are encountered and if there is any potential for weed seeds to be carried between locations.

Mitigation Measures

1. Invasive, non-native species monitoring will be completed every year for the next three years following construction of the proposed projects to ensure no new weed establishment occurs. If new weeds are found, appropriate treatment will be done to eradicate or minimize the spread in coordination with the land owner/permittee.
2. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within ¼ mile of any riparian area, wet meadow, or water facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

3. The applicant must collect and properly dispose of any solid wastes generated by the Proposed Actions. If any hazardous chemicals, fuels, oils, lubricants, and/or noxious fluids are spilled during field activities, they would be cleaned up immediately and disposed of at an approved waste disposal facility.
4. A release of any chemical, oil, petroleum product, or sewage, etc. (regardless of quantity) must be reported to the BLM, WRFO's Hazardous Materials Coordinator at (970) 878-3800. The CDPHE should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.
5. The permittee is requested to notify BLM of any historical or recent trash dumping sites on the allotment, so that BLM can identify, prioritize, and perform cleanup activities at these locations.
6. The applicant is responsible for informing all persons who are associated with the project that they would be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
7. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery would cease, and the BLM WRFO Archaeologist would be notified immediately. Work may not resume at that location until approved by the AO. The applicant would make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM would evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, would implement the mitigation in a timely manner. The process would be fully documented in reports, site forms, maps, drawings, and photographs. The BLM would forward documentation to the SHPO for review and concurrence.
8. Pursuant to 43 CFR 10.4(g), the applicant must notify the Authorized Officer (AO), by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
9. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist would evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator would be allowed to continue construction through the site, or would be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

10. The applicant is responsible for informing all persons who are associated with project operations that they would be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

FINAL DECISION

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

Analysis of the Proposed Action has concluded that there are no significant negative impacts. The approval of this project will allow the permittee to improve management of livestock within the Goff Camp Gulch Allotment. Further, water sources would be protected from degradation related to active trampling by livestock because the spring sources have never been fenced to keep livestock out.

The grazing permit for this allotment will be re-analyzed starting in 2016 after the water development projects have been completed in order to consider changes in livestock distribution and that the North Fork Price Creek Allotment (which was originally part of this permit) is now under a different permittee.

MONITORING AND COMPLIANCE

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

AUTHORITY

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final

BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Melissa Kindall, Range Technician at 878-3842, or myself at 878-3800.

Sincerely,


for Kent E. Walter
Field Manager